

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MERRILL LYNCH BUSINESS FINANCIAL  
SERVICES, INC.,

Plaintiff,  
-against-

## **ORDER**

CV 04-4390(LDW)(ARL)

DIRECTOR COMMERCIAL INDUSTRIES,  
L.L.C., et al.,

## Defendants.

**LINDSAY, Magistrate Judge:**

Before the court is the plaintiff's letter application dated August 5, 2005, seeking to compel the defendants, Thomas Runfola and Direct Door Services, to provide the plaintiff with automatic disclosure and to respond to the plaintiff's request for the production of documents and demand for interrogatories. In response to the application, the defendants have advised the court that on August 10, 2005 ( five days after the plaintiff's application) they provided the plaintiff with automatic disclosure. Although the defendants have not explained their failure to timely provide such disclosure, the court will nonetheless, treat this portion of the plaintiff's application as moot.

The defendants oppose the application to the extent it seeks to compel responses to the document request and interrogatory demands. In support of their opposition, the defendants contend that the requests are overly burdensome in light of the defendants “minor position” in the action. Neither the defendants view of their role in this litigation nor the length of the request (12 pages) provides an adequate basis for their refusal to respond. Accordingly, the defendants are directed to respond to all outstanding discovery requests including their automatic disclosure obligations, by September 2, 2005.

Dated: Central Islip, New York  
August 12, 2005

**SO ORDERED;**